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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 150 - WATER RESOURCES

SUBCHAPTER 10 - WASTEWATER & STORM WATER

PART 2 - Rhode Island Pretreatment Regulations

2.1 Purpose and Objectives

- A. These regulations establish a state and local pretreatment system in conjunction with the National Pretreatment Standards in order to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge. These regulations implement R.I. Gen. Laws Chapter 46-12 in conformance with the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, and those regulations and standards promulgated by the United States Environmental Protection Agency (EPA). It imposes responsibilities on the state, local government, industry and the public to help implement pretreatment standards.
- B. These regulations are intended to fulfill three objectives:
 - 1. To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;
 - 2. To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and,
 - 3. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

2.2 Authority

The authority for these regulations is vested in the Director by R.I. Gen. Laws Chapter 46-12, Water Pollution, Chapter 42-17.1, Environmental Management and Chapter 42-17.6, Administrative Penalties for Environmental Violations. These Rules and Regulations are further promulgated pursuant to the requirements and provisions of all Chapters of the R.I. Gen. Laws relating to the duties and responsibilities of the Director for the waters of the State, and in accordance with the requirements of R.I. Gen. Laws Chapter 42-35, Administrative Procedures Act.

2.3 Incorporated Materials

These regulations hereby adopt and incorporate 40 C.F.R. § 403 (2018), including Appendices A through G, by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

2.4 Definitions

- A. The definitions found at 40 C.F.R. § 403.3 (2018), incorporated above at § 2.3 of this Part, are hereby amended to include the following definitions:
1. "Department" means the Rhode Island Department of Environmental Management.
 2. "Director" means the Director of the Department or any subordinate or subordinates to whom he/she has delegated the powers and duties vested in him/her by these regulations.

2.5 Application

- A. The terms and provisions of these Rules and Regulations shall be liberally construed in conjunction with the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, and accompanying Federal Regulations to allow the Department to effectuate the purposes of state law.
- B. Upon adoption by EPA or the State of additional or more stringent regulations affecting the Rhode Island Pollutant Discharge Elimination System Permit Program or the pretreatment standards, these rules shall be revised to comply with such new regulations following the notice, hearing and public comment provisions of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.
- C. These regulations apply to:
1. Pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined in § 2.4(A) of this Part;
 2. POTWs which receive wastewater from sources subject to National Pretreatment Standards; and,
 3. Any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which discharge to a sewer which is not connected to a POTW Treatment Plant.

2.6 Local Law

Nothing in this regulation is intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by local law as long as the local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under this regulation, the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, or 40 C.F.R. § 403 (2018) incorporated above at § 2.3 of this Part.

2.7 National Pretreatment Standards: Prohibited Discharges

- A. Industrial Users shall not discharge any substances that are not consistent with the National Pretreatment Standards, as set forth in 40 C.F.R. § 403.5 (2018), incorporated above at § 2.3 of this Part. In addition, the following specific prohibition shall also apply:
- B. Legend Drugs (Non-Controlled Prescription Drugs) shall not be discharged to the sewer, unless specifically required by Department of Health “Rules and Regulations Governing the Disposal of Legend Drugs” or FDA guidance.

2.8 National Pretreatment Standards: Categorical Standards

All Users shall comply and all Rhode Island Industrial Pretreatment Programs shall include requirements to ensure that Industrial Users comply with pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories that are consistent with National Pretreatment Standards, as set forth in 40 C.F.R. § 403.6 (2018), incorporated above at § 2.3 of this Part.

2.9 Revision of Categorical Pretreatment Standards to Reflect POTW Removal of Pollutants

All Rhode Island Industrial Pretreatment Programs shall include pretreatment standards that allow for the revision of Categorical Pretreatment Standards to reflect POTW removal credit, as set forth in the requirements found at 40 C.F.R. § 403.7 (2018), incorporated above at § 2.3 of this Part.

2.10 POTW Pretreatment Programs: Development and Implementation by POTW

- A. All POTWs required to develop a Pretreatment Program shall include pretreatment standards that meet the requirements for Pretreatment Programs by POTWs, as set forth in the requirements found at 40 C.F.R. § 403.8 (2018), incorporated above at § 2.3 of this Part, which are hereby amended to include the following additional requirement:

1. Zero Discharge Permits shall be issued for Categorical Industrial Users that do not discharge industrial process wastewater to the sewer and that generate over 100 gallons per day of industrial process wastewater. Further, all such industries shall be inspected by the POTW at least annually to verify zero discharge status. Certification of zero discharge must also be submitted by the Industry to the Pretreatment Program a minimum of annually.

2.11 POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval

All POTWs required to develop a Pretreatment Program shall include pretreatment standards that meet the requirements for POTW pretreatment programs and/or authorization to revise pretreatment standards and submission for approval, as set forth in the requirements found at 40 C.F.R. § 403.9 (2018), incorporated above at § 2.3(A) of this Part, and the requirements of these regulations.

2.12 State Program in lieu of POTW Program

Notwithstanding the provision of § 2.10 of this Part, the Department may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in § 2.10 of this Part, in lieu of requiring the POTW to develop a Pretreatment Program. However, this does not preclude POTWs from independently developing Pretreatment Programs.

2.13 Approval Procedures for POTW Pretreatment Programs and POTW Revision of Categorical Pretreatment Standards

All POTWs required to develop a Pretreatment Program shall include procedures that meet the requirements for approval of POTW Pretreatment Programs and revision of Categorical Pretreatment Standards, as set forth in the requirements found at 40 C.F.R. § 403.11 (2018), incorporated above at § 2.3 of this Part.

2.14 Reporting Requirements for POTWs and Industrial Users

- A. All POTWs required to develop a Pretreatment Program shall include procedures that meet the reporting requirements for POTWs and Industrial Users, as set forth in the requirements found at 40 C.F.R. § 403.12 (2018), incorporated above at § 2.3 of this Part, which are hereby amended to include the following additional requirement:
 1. Rhode Island Industrial Pretreatment Programs shall develop a definition of "substantial change" in Industrial User discharge and shall implement procedures that require the Department to be notified of these substantial changes in discharge prior to acceptance.

2.15 Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

All POTWs required to develop a Pretreatment Program shall include procedures that meet the requirements for variances from Categorical Pretreatment Standards for fundamentally different factors, as set forth in the variance requirements found at 40 C.F.R. § 403.13 (2018), incorporated above at § 2.3 of this Part.

2.16 Confidentiality

- A. The Confidentiality provisions found at 40 C.F.R. § 403.14 (2018), incorporated above at § 2.3 of this Part, are hereby incorporated and amended to include the following:
1. In accordance with R.I. Gen. Laws § 46-12-19, effluent data, permits, or permit application forms submitted to the Director or to a POTW shall be available to the public without restriction.
 2. All other information submitted to the Director or the POTW shall be available to the public at least to the extent provided by R.I. Gen. Laws § 46-12-19.

2.17 Net/Gross Calculation

All POTWs required to develop a Pretreatment Program shall include procedures that meet the requirements for net/gross calculation of Categorical Pretreatment Standards, as set forth in the requirements found at 40 C.F.R. § 403.15 (2018), incorporated above at § 2.3 of this Part.

2.18 Upset Provision

All POTWs required to develop a Pretreatment Program shall include procedures that meet the requirements for upset provisions, as set forth in the requirements found at 40 C.F.R. § 403.16 (2018), incorporated above at § 2.3 of this Part.

2.19 Modification of Pretreatment Programs

All Rhode Island Industrial Pretreatment Programs shall include procedures for modification of pretreatment programs, as set forth in the requirements found at 40 C.F.R. § 403.18 (2018), incorporated above at § 2.3 of this Part.

2.20 Appendix A - G

Appendix A through G found at 40 C.F.R. § 403 (2018), incorporated above at § 2.3 of this Part, are hereby incorporated.